

**EXHIBIT A**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

RALPH "TREY" JOHNSON, STEPHANIE  
KERKELLES, NICHOLAS LABELLS,  
CLAUDIA RUIZ, JACOB WILLEBEEK-  
LEMAIR, ALEXA COOKE, RHESA  
FOSTER, ZACHARY HARRIS,  
MATTHEW SCHMIDT, TAMARA  
SCHOEN STATMAN, GINA SNYDER,  
ESTEBAN SUAREZ and LIAM WALSH,  
individually and on behalf of all persons  
similarly situated,

Plaintiffs,

v.

THE NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION, CORNELL  
UNIVERSITY, FORDHAM UNIVERSITY,  
LAFAYETTE COLLEGE, SACRED  
HEART UNIVERSITY, VILLANOVA  
UNIVERSITY, UNIVERSITY OF  
OREGON, TULANE UNIVERSITY,  
UNIVERSITY OF NOTRE DAME,  
UNIVERSITY OF ARIZONA, PURDUE  
UNIVERSITY, DUKE UNIVERSITY, and  
MARIST COLLEGE,

Defendants.

**Civil Action No. 19-cv-5230 (JP)**

**DECLARATION OF**  
**BRITTANY CAIN**

The undersigned, under penalty of perjury, avers and states that:

1. My name is Brittany Cain. I am a citizen and resident of North Carolina and am employed by Defendant Duke University ("Duke" or "the University") as a Paralegal in the Office of Counsel. Duke's Office of Counsel is located in Durham, North Carolina. I am a certified paralegal in North Carolina and have worked in Duke's Office of Counsel since October of 2023. In my position in the Office of Counsel, and as part of my employment

duties, I have access to the books and records of Duke's activity and contacts throughout the country. In connection with this lawsuit, I have thoroughly reviewed all of Duke's relevant records for the 2024-25 academic year, or, where necessary, the 2021-2022 academic year, on the subjects identified in the Third Amended Complaint. The facts set forth in this Declaration are based upon my review of those documents, which I believe to be true and correct. These documents, where applicable and responsive, are attached as exhibits to this Declaration. If called to testify as a witness, I would testify to the matters set forth in this Declaration.

**Duke University**

2. Duke is a non-profit research and educational institution organized under the non-profit corporation law of North Carolina that maintains its offices and principal place of business in Durham County, North Carolina, along with its home campus. The campus houses both the 7,000-student undergraduate school and the 10,600-student graduate and professional schools on 8,500 acres of land. Most of Duke's 51,000 employees are located in Durham County, including more than 3,300 faculty members. All of Duke's executives and corporate officers are located in Durham, North Carolina. Duke had approximately 34 employees who listed Pennsylvania as an address for purposes of payroll information.

3. Duke is one of the largest private employers in North Carolina.

4. Duke accepts students from Pennsylvania and nearly every other state each year. Roughly 1.6% of Duke's total student population during the 2024-24 academic year is from Pennsylvania. Roughly the same percentage of Duke students were from Pennsylvania in 2021, or at the time the Second Amended Complaint was filed.

5. In Durham, Duke operates various computer, retail, book, and office support operations. These operations are supervised by the Office of Duke University Stores, which

is located on Duke's campus in Durham, as is Duke's Office of Trademark Licensing. None of these operations has any presence in Pennsylvania, except that individuals worldwide may order products from Duke's website and catalogs.

6. Duke owns an extensive network of facilities, and contracts with others, for the provision of food and beverages to students, employees, fans, visitors, and other individuals, such as restaurants, cafes, food trucks, catering companies, and fast-food services. Collectively, these operations serve hundreds of thousands of meals each and every year, all in North Carolina.

7. Duke's motor vehicle fleet is comprised of hundreds of vehicles, all of which are licensed in North Carolina and based in Durham.

8. Duke has no campus, no offices, and no stores in Pennsylvania.

9. Duke owns no real property in Pennsylvania and leases no office space in Pennsylvania.

10. Duke is not incorporated in Pennsylvania.

11. Duke is not registered to do business in Pennsylvania.

12. Duke maintains no bank accounts in Pennsylvania.

13. Duke has no agent for service of process in Pennsylvania.

14. Duke offers 33 global education programs worldwide, none of which are in Pennsylvania.

15. Duke maintains contacts with its alumni throughout the world and in each of the fifty states, including Pennsylvania. Duke alumni are involved in alumni associations in Pennsylvania and in other states, which organize local activities, but those associations are governed by alumni.

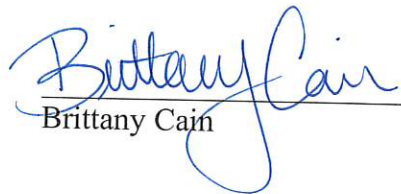
**Esteban Suarez**

16. Esteban Suarez ("Suarez") was a walk-on member of Duke's track-and-field team.
17. Suarez claimed he was a resident of California while attending Duke.
18. Suarez was never a recipient of an athletic scholarship from Duke.
19. Between 2016 and 2020, Duke's track-and-field team competed three times in Pennsylvania. Suarez did not travel to any of the three meets in Pennsylvania in which Duke's track-and-field team competed between 2016 and 2020.
20. Suarez did not compete in any of the three meets in Pennsylvania in which Duke's track-and-field team competed between 2016 and 2020.
21. There is no record of Suarez ever competing on a Duke athletic team in Pennsylvania.

This declaration is based upon my personal knowledge, and is made by me in support of Defendant Duke University's Motion to Dismiss.

I declare under penalty of perjury that the foregoing is true and correct.

This the 19th day of March, 2025,

  
Brittany Cain